IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 570 OF 2005

Hindurao Bhavanji Patil ... Appellant

V/s

Shama Dattu Chambhar ... Respondent

Mr. P.D. Dalvi for the appellant.

CORAM: P.V. KAKADE, J.

DATED: 26TH JULY, 2005

P.C.:

1. The appellant has preferred this appeal against the judgment and order passed by the Addl. District Judge, Kolhapur, dated 21.7.2004 dismissing the appeal and confirming the order passed by the Civil Judge, Jr.Divn., Kolhapur, dated 25.11.1999 dismissing the suit which was for perpetual injunction restraining the defendant from causing obstruction to possession of the plaintiff over the property admeasuring 40 Ares.

2. I have heard the learned counsel for the appellant. Perused the record.

3. The plaintiff's suit was adjudicated by the lower appellate Court holding that the plaintiff did not prove that he was in possession of the suit property referring the valid title and, as such, the question of obstruction raised by the defendant did not arise and in the result the suit was dismissed.

4. The lower appellate Court, after perusing the record, concurred with the findings recorded by the Trial Court.

5. After hearing the learned counsel for the appellant, it is clear enough that there is no substantial question of law involved in this appeal and factual aspects of the issues involved are seen to be satisfactorily appreciated by both the Courts below.

6. In the result, the appeal stands dismissed.

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